

ORDINANCE NO. 992

AN ORDINANCE ESTABLISHING LICENSURE, REQUIREMENTS FOR THE PRACTICE OF MASSAGE, PROVIDING DEFINITION OF TERMS, PROVIDING FOR REVOCATION OF THE BUSINESS LICENSE TO PRACTICE MASSAGE, ESTABLISHING AS PETTY MISDEMEANORS THE UNLICENSED PRACTICE OF MASSAGE AND EMPLOYING AN UNLICENSED PERSON TO PRACTICE MASSAGE, PROVIDING FOR SEVERABILITY, AND FIXING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY, THE CITY COUNCIL OF ROSWELL, NEW MEXICO, THAT:

Section 1. Business License Required. No person who has not first obtained a business license from the City Clerk, as provided in Section 18-20 of the Roswell City Code, shall:

- a. engage in the practice of massage within the corporate limits of the City of Roswell; or,
- b. employ another to engage in the practice of massage within the corporate limits of the City of Roswell.

Section 2. Board License Required. The City Clerk shall issue a business license to an applicant only after the applicant has presented the City Clerk with evidence that he or she is currently licensed as a practitioner of massage or as a massotherapy assistant by the New Mexico Massage Board, and upon payment of the fee specified in Section 18-20 of the Roswell City Code.

Section 3. Definitions. As used in this ordinance:

- a. "massage" means the practice, for compensation, of full body massage by hand or through the use of any mechanical apparatus incorporating nonspecific stretching techniques, the use of oil rubs, heat lamps, salt glows hot and cold packs, tubs, showers, or cabinet baths, steambaths and mineral water. Variations of the following procedures are employed: touch, stroking, friction, kneading, vibration, percussion and gymnastics, or any combination of equipment; masseurs or masseuses shall not diagnose or treat classified diseases, nor practice spinal or other joint manipulation, nor prescribe medicine or drugs;
- b. "practitioner of massage" means any licensed person who possesses a massage diploma from a school approved by the American Massage Therapy Association Incorporated and the board of massage and who performs massage in a massage practice for compensation in the form of money or other thing of value;
- c. "massotherapy assistant" means any person who lacks sufficient educational training in massage and works in a limited capacity under the supervision of a practitioner of massage;
- d. "New Mexico Massage Board" means that Board created by Section 67-39-3, NMSA 1953, as amended;
- e. "person" means natural person, firm, partnership, corporation or association.

Section 4. Persons Exempted. The provisions of this ordinance do not apply to persons licensed under the laws of New Mexico to practice medicine, osteopathy, chiropractic, physical therapy, podiatry, nursing, dietetics, nutrition, cosmetology or barbering.

Section 5. License Revocation. The City Clerk shall withdraw and revoke the business license of any person whose license to practice massage is suspended or revoked by the New Mexico Board of Massage.

Section 6. Practice as Misdemeanor. Any person who engages in the practice of massage without being licensed by the New Mexico Massage Act (Sections 67-39-1 through 67-39-13, NMSA) and by the City Clerk, as provided in this ordinance is guilty of a petty misdemeanor.

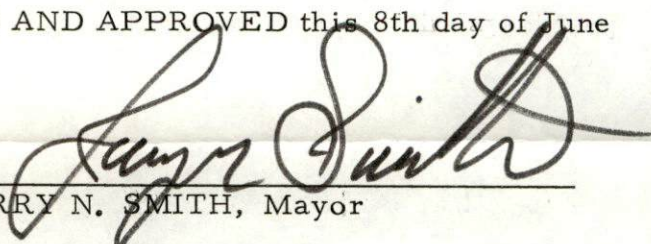
Section 7. Employment as Misdemeanor. Any person who employs an unlicensed person, as provided herein, is guilty of a petty misdemeanor.

Section 8. Severability. If any section, paragraph, clause, or provision of this ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect or detract from any other part of this ordinance.

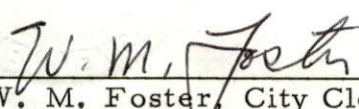
Section 9. Effective date. This ordinance shall be and become effective five (5) days after publication of the governing body's approval hereof.

PASSED, ADOPTED, SIGNED AND APPROVED this 8th day of June 1976.

CITY SEAL

  
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JERRY N. SMITH, Mayor

ATTEST:

  
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W. M. Foster, City Clerk